

## Chapter 11

### BURGLAR AND FIRE ALARM PROTECTIVE SERVICES\*

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#### ARTICLE I. IN GENERAL

**Secs. 11-1—11-5. Reserved.**

#### ARTICLE II. FIRE ALARM SERVICES

##### DIVISION 1. GENERAL FIRE ALARM PROCESS†

##### Sec. 11-6. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fire alarm protective service.* Any service whereby any person provides or employs electronic or mechanical means to detect the presence of fire on any premises in the city, the report of which is then transmitted to or through the communication system of the fire department or which system is in any manner connected with the fire alarm communication system of the fire department. The term also means the activity of maintaining, servicing, repairing, altering, replacing, moving or installing in or on any building, place or premises any device designed or used for detection of fire.

*Local alarm.* A protective signaling system so designed and operated that (1) the equipment for detecting fire, smoke or heat, or for manually activating the alarm and (2) the

equipment for signaling a warning thereof by bell, horn, siren or other means are located on the particular premises being protected.

*Person.* A person as defined in section 1-2 of this Code other than the city.

(Ord. No. 02-527, §§ 2, 3, 6-19-02; Ord. No. 03-1101, § 2, 11-12-03)

*Note*—Formerly, § 11-16.

##### Sec. 11-7. Automatic telephone devices.

No person shall use or permit the use of any telephone device or telephone attachment which automatically selects any city telephone trunkline or number leading into the fire department or other offices of the city and then transmits any prerecorded fire alarm message or signal which indicates the presence or possibility of the presence of a fire at any location.

(Ord. No. 02-527, § 2, 6-19-02)

*Note*—Formerly, § 11-17.

##### Sec. 11-8. Standards.

(a) The fire chief may establish minimum standards and permit fire alarm protective services which meet those standards to connect their systems directly to the dispatcher's office of the fire department by dedicated telephone line when he finds that the methods of operations of companies meeting such standards will give reasonable assurance that the use of such connections will not impose a burden on the fire department.

(b) No person shall operate a fire alarm protective service unless it complies in all respects, including the maintenance of runners and appro-

\*Cross reference—Police and fire protection, Ch. 34.

†Editor's note—Section 2 of Ord. No. 02-527, adopted June 19, 2002, added Div. 1 title to read as set out. Said section also renumbered §§ 11-16—11-20 as §§ 11-6—11-10.

appropriate record keeping systems, with the applicable requirements set out in N.F.P.A. Pamphlet No. 71, 1977 edition, entitled "Central Station Signaling Systems" and complies with the applicable requirements of state laws, rules and regulations. (Ord. No. 02-527, § 2, 6-19-02)

**Note**—Formerly, § 11-18.

### Sec. 11-9. Dispatch personnel.

All fire alarm protective services shall provide the necessary personnel giving them the capability to respond, upon request by any member of the fire department, to the scene of an activated alarm 24 hours of each day, Saturdays and Sundays included. It shall be unlawful for such fire alarm protective service to fail to dispatch personnel, after being notified that such alarm is sounding, to come to the premises to shut off such alarm or to assist firemen in an inspection of the premises.

(Ord. No. 02-527, § 2, 6-19-02)

**Note**—Formerly, § 11-19.

### Sec. 11-10. Local alarms.

No local alarm shall make a sound similar to that of a siren on emergency vehicles or similar to a civil defense warning system. The permit holder and person in control as defined in Article II of Chapter 11, shall ensure that a clearly legible notice is posted and maintained upon the exterior of the structure at or near the location of such alarm, stating the name and telephone number of the person designated to be notified to render repairs or service during any hour of the day or night that such alarm sounds, signals or activates. Such notice shall be posted in such a position as to be readable by a person of average height from the ground level adjacent to the structure. It shall be unlawful for such designated person, after being notified that the local alarm is sounding, signaling or otherwise activated, to refuse to come to the premises to shut off such alarm or to assist firemen in an inspection of the premises.

(Ord. No. 02-527, § 2, 6-19-02; Ord. No. 03-1101, § 3, 11-12-03)

**Note**—Formerly, § 11-20.

## DIVISION 2. FIRE ALARM PERMITS; FALSE FIRE ALARM FEES

### Sec. 11-11. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm actuating device* means any mechanical, electrical, electronic or radio-controlled alarm device designed or intended to, or that does emit a sound or transmit a signal or message when activated because of smoke, heat, or fire to summon, or that would reasonably be expected to summon, or cause to be summoned, directly or indirectly, fire response services of the city. The term includes a local alarm.

*Alarm site* means the premises or location where the alarm system(s) is installed or operated.

*Alarm system* means one or more alarm actuating devices controlled by one person and designed to function together and to be monitored together for protection of one alarm site. Alarm systems are classified as follows:

- (1) *Group A* means an alarm system with not more than ten alarm actuating devices;
- (2) *Group B* means an alarm system with not less than 11 nor more than 100 alarm actuating devices; and
- (3) *Group C* means an alarm system with 101 or more alarm actuating devices.

*Applicant* means the person who makes application to be the permit holder of the alarm system.

*False fire alarm* means an incident in which the operation of an alarm system elicits an emergency response by the fire department when a situation requiring such a response by the fire department did not in fact exist. The term does

not include an otherwise false alarm if the fire chief determines that the false alarm was caused primarily by one or more of the following:

- (1) Manual alarm notification to the fire department and the person actuating the alarm was acting under a reasonable belief that smoke or fire existed; or
- (2) Any cause clearly unrelated to the proper maintenance, use or operation of the alarm system that is beyond the control of the permit holder.

*False fire alarm response.* For purposes of this division, the fire department is deemed to have made an emergency response to the false fire alarm at the moment that it receives notice of an alarm that is subsequently determined or deemed to be a false fire alarm.

*Fire chief* means the chief of the fire department or his designee(s).

*Permit holder* means the person to whom an alarm system permit is issued who shall be a person in control of the premises where the alarm system is installed, maintained, or operated site.

*Person in control* means a person who owns, leases, possesses, resides at or manages the alarm site.

*Single-family residential dwelling* means a house, apartment, condominium, town home or similar dwelling unit (attached or detached) designed for occupancy by no more than one family and designed for living, sleeping, cooking and eating therein unless actually occupied or used primarily for other purposes. The term does not include day care centers, or units of hotels, "all-suites" and "suites hotels", motels or similar transient housing facilities. The term also does not include units of a residential apartment complex, condominium, town home or other multi-unit housing facility if a centrally monitored fire alarm system protects two or more individual apartment units or suites.

(Ord. No. 02-527, § 4, 6-19-02; Ord. No. 03-1101, §§ 4, 5, 11-12-03)

## Sec. 11-12. Permit required.

(a) It is unlawful for any person to operate, cause to be operated, or allow the operation of an alarm system unless a valid permit issued in accordance with this division is in effect for that system. All persons in control of any part of the alarm site are deemed to have operated or caused or allowed to be operated the alarm system and shall be jointly and severally liable for payment of response fees.

**Note**—Section 11-12(a) as adopted by Ord. No. 02-527, shall become effective on the 180th day next following the date that this ordinance is passed and approved. All other provisions of this ordinance shall take effect immediately. To allow for orderly implementation of this ordinance, and so any person who requires a permit under this ordinance will have an opportunity to avoid penalties and fees imposed by this ordinance for failure to have a valid permit, the fire chief or his designees shall begin accepting and processing properly submitted applications for permits on the 120th day prior to the effective date of the delayed sections. If application for a permit for an alarm system has been submitted and the required permit fee paid prior to the effective date of the delayed sections, no person shall be subject to enforcement of the delayed sections in connection with the alarm system until after the effective date of the delayed sections and the earlier of the date the fire chief 1) issues a permit for the alarm system, or 2) mails a denial of permit notice to the applicant at the address set out in the application.

(b) The issuance of a permit authorizing the use of an alarm system is not intended to nor shall it create a contract, either express or implied, creating a duty or guarantee of. Any and all liability and consequential damages resulting from responding or the failure to respond to a fire alarm are hereby disclaimed and governmental immunity as provided by law is retained.

(c) The fire chief shall have the right to inspect any alarm system at the alarm site at any reasonable time to determine whether it is being used in conformity with this division.

(d) It is an affirmative defense to civil or criminal liability under this division that the alarm system is operated solely for the protection of one single-family residential dwelling.

(Ord. No. 02-527, § 4, 6-19-02; Ord. No. 03-1101, § 6, 11-12-03)

**Sec. 11-13. Same—Application.**

(a) Application for a permit authorizing the operation of an alarm system shall be made in writing to the fire department on forms designated for that purpose. On such application shall be set forth:

- (1) The name, address, telephone number(s), federal employee identification number, state sales tax number, corporate charter number, and Texas driver's license number (if applicable) of the applicant.
- (2) Copies of the assumed-name registration if the alarm site will be operated under an assumed name; the partnership registration, if any, and the names and addresses of all general partners if the permit holder is a partnership; the Texas corporate charter or certificate of authority to do business in Texas if a foreign corporation, along with the names and addresses of all officers and the registered agent.
- (3) The street address of the alarm site at which the alarm system is or will be installed and operated, including the particular suite, apartment, unit, or other similar occupancy number(s) or designation(s), if applicable.
- (4) Any business names used for the alarm site.
- (5) The name of the alarm system business or other person that has installed or will install and monitor the alarm system.
- (6) In addition to the permit holder,
  - a. The names and telephone numbers of two individuals, or the name and local telephone number of an alarm system business which are able to and have agreed to:
    - (i) Receive fire alarm notification at any time;
    - (ii) Come to the alarm site within one hour after receiving a request from a member of the fire department to do so; and
  - (iii) Grant access to the alarm site and to deactivate the alarm system if such becomes necessary; or
- b. The name and telephone number of an alarm system business that is able to and has agreed to receive calls at any time and to give the fire department the names of individuals listed with that company as set out below if:
  - (i) The permit holder has given the alarm system business the names and local telephone numbers of two individuals who are able and have agreed to receive fire alarm notification at any time; to come to the alarm site within one hour after receiving a request from a member of the fire department to do so; and to grant access to the alarm site and to deactivate the alarm system if necessary; and
  - (ii) The permit holder has authorized the alarm system business to provide the names listed with that business pursuant to section 11-13(a) of this Code to the fire department whenever that department has requested that information in order to obtain assistance after an alarm has been activated.
- (7) Whether all fees due under this division owed to the city by the applicant, its partners, officers, and owners have been paid.
- (8) Such other information as the fire chief may determine is necessary.
  - (b) The application shall be signed by an owner, officer, or partner of the applicant if the applicant is not an individual, or by the individual applicant for the permit acknowledging that he has read the application, affirming the correctness and accuracy of the information given on the application,

and authorizing the release to the fire department of information specified in section 11-13(a) of this Code.

(c) The fire chief shall issue a permit upon submission of an application therefor in accordance with this division and payment of the permit fee, unless the fire chief finds that any statement made in the application was incomplete, misleading, or false; that the applicant, its partners, officers, and owners have not paid all fees due under this division owed to the city; that the alarm system installed at the alarm site has, or is of the type that is prohibited by division 1 of this article or of a type that has had a history of unreliability; or if the alarm site was previously non-permitted while under the control of the applicant, its partners, officers, and owners, and has outstanding false fire alarm fees owed to the city. The fire chief shall establish reasonable standards for determining reliability or unreliability of alarm systems and promulgate written regulations setting forth those standards. If the fire chief denies the application for a permit, the fire chief shall cause to be mailed by certified mail, return receipt requested, a denial notice to the applicant at the address set out in the application and shall maintain a copy thereof. The notice shall state the reasons for the denial and advise the applicant of the right to a hearing as provided by section 11-23 of this Code.  
(Ord. No. 02-527, § 4, 6-19-02; Ord. No. 03-1101, § 7, 11-12-03)

#### **Sec. 11-14. Same—Term; renewal.**

(a) Each permit issued pursuant to this division shall be valid for a 12-month period from the date of issuance as stated on the permit. If the permit holder relinquishes control of the alarm site before the expiration of the permit period, then the permit terminates on the date of such relinquishment, and any subsequent person in control is required to obtain a new permit before the alarm system can be lawfully operated. If the permit holder fails to deliver written notice of cancellation of the permit to the fire department prior to such relinquishment, the permit holder shall be liable as if he were a person in control of

the alarm site, for all subsequent non-permitted response fees, jointly and severally with any other persons liable as provided in this division.

(b) The city shall give at least 30 days notice of the expiration date and need for renewal. A renewal application must be presented to the fire chief along with the renewal fee not less than ten business days before expiration of the permit. If the permit is not renewed as of the expiration date, then a new permit must be obtained. If any fees due under this division remain owed to the city or if there is a history of unreliability of the alarm system, the fire chief shall deny the renewal application until such time as all fees due under this division have been paid and unreliability of the alarm system is shown to have been corrected according to fire department regulation. The renewal permit shall be issued for the 12 month period from the date of renewal. Upon expiration of a permit that is not renewed, the provisions of section 11-12(a) shall apply until a new permit is issued.  
(Ord. No. 02-527, § 4, 6-19-02)

#### **Sec. 11-15. Same—Fees.**

The fee for a new permit shall be \$50.00, and the fee for a renewal permit shall be \$25.00.  
(Ord. No. 02-527, § 4, 6-19-02)

#### **Sec. 11-16. Same—Nontransferable; re-application required following revocation.**

Each permit issued shall be valid only for the alarm site and alarm system permitted, and shall not be transferable to any other person or premises. Upon transfer from the permit holder of ownership or leasehold rights to the alarm site, or upon revocation of the permit, the permit shall terminate, and a new permit must be applied for according to this division. Upon termination of the permit and before a new permit is issued, the provisions of section 11-12(a) shall apply.  
(Ord. No. 02-527, § 4, 6-19-02)

#### **Sec. 11-17. Same—To be kept at alarm site.**

The permit holder shall keep the alarm permit at the alarm site and shall produce the permit for

inspection upon the request of any member of the fire department or other official authorized to enforce the provisions of this division.  
(Ord. No. 02-527, § 4, 6-19-02)

#### Sec. 11-18. Duties.

The permit holder shall:

- (1) Ensure that the individuals listed with the fire department under section 11-13(a)(6) of this Code are able to:
  - a. Receive fire alarm notification at any time;
  - b. Come to the alarm site within one hour after receiving a request from a member of the fire department to do so; and
  - c. Grant access to the alarm site and if necessary, deactivate the alarm system.
- (2) Train all persons who may activate the alarm system in the proper operation of the alarm system.
- (3) Pay when due all fees associated with the permit and the operation of the alarm system.
- (4) Maintain the alarm site in a manner that ensures proper operation of the alarm system.
- (5) Maintain or cause to be maintained the alarm system in a manner that will minimize false fire alarms.
- (6) Respond or cause a representative to respond within a reasonable period of time when notified by the city to repair a malfunctioning alarm system, to provide access to the alarm site, or to provide security for the alarm site.
- (7) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (8) Maintain at the alarm site a complete set of written instructions for the alarm sys-

tem. Special codes, combinations, or passwords must not be included in these instructions.

(Ord. No. 02-527, § 4, 6-19-02)

#### Sec. 11-19. Fees for city responses to false fire alarm; hearing on false alarm determination.

(a) A permit holder will be charged a fee of \$300.00 for each false fire alarm response by the fire department in excess of the following, during each permit period:

- (1) Five false fire alarms for a Group A alarm system,
- (2) Fifteen false fire alarms for a Group B alarm system, or
- (3) Thirty false fire alarms for a Group C alarm system.

(b) If the false alarm(s) occurred during the three month period commencing on the date of the first operation of a newly installed alarm system, the permit holder shall not be charged the fee under subsection (a) of this section, and the false alarms shall not count against the number of false alarms allowable under that subsection.

(c) If the fire department receives notice of any fire alarm from an alarm system that does not have a valid permit, then each person in control of any portion of the alarm site shall be jointly and severally liable to the city for a fee of \$300.00 for each false fire alarm response by the fire department. Notwithstanding the general definition of "false fire alarm" as set forth in section 11-11 of this Code, for the limited purposes of this subsection, "false fire alarm" means an incident in which the operation of an alarm system elicits an emergency response by the fire department when a situation requiring such a response by the fire department did not in fact exist; however, the term does not include an otherwise false fire alarm if the fire chief determines that the false alarm was caused primarily by a manual alarm notification to the fire department and the person actuating the alarm was acting under a reasonable belief that smoke or fire existed.

(d) A notice of each false alarm (the "false alarm notice") shall be mailed to the permit holder, or the person in control if there is no valid alarm permit, within 30 days from the date of the false fire alarm response. Fees assessed under this subsection, if applicable, shall be paid within 30 days following the date that the city places the false alarm confirmation notice in the mail, unless a hearing has been timely requested under subsection (e), below.

(e) If the permit holder, or the person in control if there is no valid alarm permit, disputes any part of the false alarm notice, he must mail or deliver a written statement to the fire chief requesting a hearing. The request for hearing must be received by the fire chief not later than the 30th day following the date that the city places the false alarm confirmation notice in the mail. The sole purpose of the hearing is to ascertain whether or not the disputed alarm was false. The request for hearing shall specify facts and have documents and records attached that prove the alarm was not false. Hearings shall be conducted in accordance with the rules established for that purpose by the fire chief. The proceedings shall be

informal. Without limitation of other provisions that the fire chief may establish in his rules, the records generated by the fire department personnel who responded to the alarm shall be admissible as proof of their contents and it shall not be required that the fire department personnel who responded be made available to testify at the hearing. The fire chief shall have the discretion at any time prior to the hearing to reverse a false alarm determination if the records clearly establish the response was not in fact a false fire alarm. At the hearing, the burden shall be upon the person requesting the hearing to demonstrate by a preponderance of the evidence that the fire alarm was not a false fire alarm. The decision of the hearing officer shall be final and fees assessed, if applicable, shall be paid within 15 days following the date that notice of the decision is mailed to the appellant.

(Ord. No. 02-527, § 4, 6-19-02)

**Note**—Section 11-19 as adopted by Ord. No. 02-257, shall become effective on the 180th day next following the date that this ordinance is passed and approved. All other provisions of this ordinance shall take effect immediately. To allow for orderly implementation of this ordinance, and so any person who requires a permit under this ordinance will have an opportunity to avoid penalties and fees imposed by this ordinance for failure to have a valid permit, the fire chief or his designees shall begin accepting and processing properly submitted applications for permits on the 120th day prior to the effective date of the delayed sections. If application for a permit for an alarm system has been submitted and the required permit fee paid prior to the effective date of the delayed sections, no person shall be subject to enforcement of the delayed sections in connection with the alarm system until after the effective date of the delayed sections and the earlier of the date the fire chief 1) issues a permit for the alarm system, or 2) mails a denial of permit notice to the applicant at the address set out in the application.

#### **Sec. 11-20. Systems performance reviews.**

If the fire chief believes that an alarm system is not being used or maintained in a manner that reasonably insures proper operation and prevention of false fire alarms, the fire chief may require a conference with the permit holder and the individual or other entity responsible for maintenance of the alarm system to review circumstances of each alarm.

(Ord. No. 02-527, § 4, 6-19-02)

#### **Sec. 11-21. Violations; penalty; corporations; partnerships and associations.**

(a) Whenever in this division an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in this divi-

sion the doing of any thing or act is required or the failure to do any thing or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine of not less than \$250.00 nor more than \$2,000.00. Each violation shall constitute and be punishable as a separate offense. Prosecution or conviction under this provision is cumulative of and shall never be a bar to the imposition or collection of false fire alarm fees or any other civil or administrative remedy provided or allowed in this division.

(b) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this division to also hold a corporation, partnership, association, limited partnership, limited liability corporation or other such entity criminally responsible for acts or omissions performed by an agent acting in its behalf.

(Ord. No. 02-527, § 4, 6-19-02)

**Note**—Section 11-21 as adopted by Ord. No. 02-257, shall become effective on the 180th day next following the date that this ordinance is passed and approved. All other provisions of this ordinance shall take effect immediately. To allow for orderly implementation of this ordinance, and so any person who requires a permit under this ordinance will have an opportunity to avoid penalties and fees imposed by this ordinance for failure to have a valid permit, the fire chief or his designees shall begin accepting and processing properly submitted applications for permits on the 120th day prior to the effective date of the delayed sections. If application for a permit for an alarm system has been submitted and the required permit fee paid prior to the effective date of the delayed sections, no person shall be subject to enforcement of the delayed sections in connection with the alarm system until after the effective date of the delayed sections and the earlier of the date the fire chief 1) issues a permit for the alarm system, or 2) mails a denial of permit notice to the applicant at the address set out in the application.

#### **Sec. 11-22. Revocation of permit.**

The permit for a fire alarm system will be revoked or refused for renewal for any of the following reasons:

- (1) The permit holder has failed to make payment in full to the city of any fees due under this division within 30 days of the date the city has mailed a notice to the permit holder that the fees are due and owing or within 15 days following the date of mailing of the decision notice where an appeal has been timely filed; or



- (2) The permit holder accrues more than twice the number of false fire alarms for the applicable group referred to in section 11-19(a) of this Code during the permit period; or
- (3) Any fact or circumstance exists that would be a basis for denial of an application for issuance or renewal of a permit, or the permit was otherwise obtained or issued in error.

(Ord. No. 02-527, § 4, 6-19-02)

### Sec. 11-23. Appeals.

(a) A person may appeal the denial or revocation of a permit by delivering a written request for an appeal to the fire chief not more than 15 days after the first date of mailing written notice of denial or revocation. The notice of denial or revocation shall be sent to the permit holder or applicant by certified mail, return receipt requested, addressed to the permit holder or applicant at the alarm site address, or to such other address specified by them in writing to the fire department.

(b) All hearings shall be held by a hearing officer appointed by the fire chief. The fire chief shall not designate any person to perform the duties of hearing officer under this section who has participated in the investigation of false fire alarms from the alarm site in question, or has prior knowledge of the allegations or circumstances discovered in such investigation. The hearing officer, may, prior to the hearing, receive a copy of the notice given to the permit holder.

(c) An assistant city attorney may be present at the hearing to advise the hearing officer as to procedural matters; however, the attorney shall not participate in any determination of the facts.

(d) All hearings shall be conducted under rules consistent with the informal nature of the proceedings; provided, however, the following rules shall apply to all hearings:

- (1) All parties shall have the right to representation by an attorney licensed to practice in Texas though an attorney is not required.

- (2) Each party may present witnesses in his own behalf.
- (3) Each party has the right to cross examine all witnesses.
- (4) Only evidence presented before the hearing officer at the hearing shall be considered in rendering the decision.

(e) The hearing officer may affirm or reverse a permit denial or a permit revocation; however, the exclusive remedy for determining whether a response was a false fire alarm response shall be the review process established in section 11-19(e) of this Code. No proceeding under this section may be used to address or reconsider the determination of whether or not a response was a false fire alarm response.

(Ord. No. 02-527, § 4, 6-19-02)

### Sec. 11-24. Policies and procedures.

The fire chief shall institute in accordance with this division policies and procedures necessary to implement and enforce this division.  
(Ord. No. 02-527, § 4, 6-19-02)

### Secs. 11-25—11-31. Reserved.

## ARTICLE III. BURGLAR ALARMS, HOLDUP ALARMS AND OTHER SIMILAR ALARM SYSTEMS\*

### Sec. 11-32. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alarm site.* The specific property or area of the premises upon or within which an alarm system is or is to be installed.

\*Editor's note—Section 2 of Ord. No. 91-1346, adopted Sep. 18, 1991, amended ch. 11, art. III, §§ 11-32—11-56, to read as herein set out. Prior to adoption of said ordinances, §§ 11-32—11-56 pertained to burglar alarms, holdup alarms, etc., and derived from §§ 10½-20—10½-23 and §§ 10½-25—10½-45 of the 1968 Code; § 1 of Ord. No. 80-2384, adopted July 29, 1980; §§ 1 and 2 of Ord. No. 84-1423, adopted Sep. 12, 1984; and §§ 1—6 of Ord. No. 85-119, adopted Jan. 29, 1985.